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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/467,530	12/20/99	DANISH P	VAL-458-A

MMC2/0315

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EXAMINER	
PEREZ,G	

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 03/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/467,530	DANISH ET AL.	
	Examiner	Art Unit	
	Guillermo Perez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☒ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7, drawn to electric generators and motor structure, classified in class 310, subclass 91.

II. Claims 8-14, drawn to method of mechanical manufacture of dynamoelectric machines, classified in class 29, subclass 596.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the annular sleeve can be inserted into the bore of the housing by press-fit.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with William M. Hanlon on January 29, 2001 a provisional election was made with traverse to prosecute the invention of Peter J. Danish et al., claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the output shaft" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the output shaft" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted Prior Art (AAPA) in view of Umezawa et al. (U. S. Pat. No. 5,218,256).

AAPA discloses a motor/gear drive wherein a motor shaft has a worm gear carried thereon and a tip end terminating in an end wall. Also AAPA discloses a bore in a motor/gear housing coaxial with an output shaft. However, AAPA does not disclose an annular sleeve concentrically disposed about a tip end portion of a drive shaft and nominally spaced from the tip end portion. Neither does AAPA disclose that the sleeve supports and engages the tip end portion of the drive shaft, under radial loads acting to deflect the drive shaft.

Umezawa et al. disclose an annular sleeve (6) concentrically disposed about a tip end portion of a drive shaft (3b) and nominally spaced from the tip end portion (Figure 3). Umezawa et al. also disclose that the sleeve supports and engages the tip end portion of the drive shaft, under radial loads acting to deflect the drive shaft (column 4, lines 14-16) for the purpose of rotatably supporting a core shaft of the rotor core.

It would have been obvious at the time the invention was made to modify the motor/gear drive of AAPA and provide it with the annular sleeve of Umezawa et al. for the purpose of rotatably supporting a core shaft of the rotor core.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Umezawa et al. as applied to claim 1 above, and further in view of McManus (U. S. Pat. No. 5,268,607).

AAPA and Umezawa et al. disclose a motor/gear drive as described on item 1 above. However, neither AAPA nor Umezawa et al. disclose that the sleeve is an injection molded sleeve.

McManus discloses that the sleeve (18) is an injection molded sleeve (column 2, lines 22-24) for the purpose of reducing weight and facilitating manufacturing of the motor.

It would have been obvious at the time the invention was made to modify the motor/gear drive of AAPA and Umezawa et al. and provide it with the sleeve of McManus for the purpose of reducing weight and facilitating manufacturing of the motor.

Referring to claim 2, no patentable weight has been given to the method of manufacturing limitations since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe,* 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Umezawa et al. as applied to claim 1 above, and further in view of Mackay et al. (U. S. Pat. No. 5,485,044).

AAPA and Umezawa et al. disclose a motor/gear drive as described on item 1 above. However, neither AAPA nor Umezawa et al. disclose a thrust member disposed

in the bore of the housing in coaxial registry with the end wall of the shaft. Neither AAPA nor Umezawa et al. disclose that the engagement of the thrust member with the end wall of the drive shaft prevents axial movement of the drive shaft. Neither AAPA nor Umezawa et al. that the thrust member is an injection molded thrust member.

Mackay et al. disclose a thrust member (24) disposed in the bore (44) in the housing (12) in coaxial registry with the end wall (78) of the shaft (50). Mackay et al. also disclose that the engagement of the thrust member with the end wall of the drive shaft prevents axial movement of the drive shaft (column 2, lines 46-49). The invention of Mackay et al. having the purpose of controlling the shaft end play.

It would have been obvious at the time the invention was made to modify the motor/gear drive of AAPA and Umezawa et al. and provide it with the thrust member of Mackay et al. for the purpose of controlling the shaft end play.

Referring to claim 5, no patentable weight has been given to the method of manufacturing limitations since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe,* 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Mackay et al.

AAPA discloses a motor/gear drive wherein a motor shaft has a worm gear carried thereon and a tip end terminating in an end wall. Also AAPA discloses a bore in a motor/gear housing coaxial with an output shaft. However, AAPA does not disclose a thrust member disposed in the bore of the housing in coaxial registry with the end wall of the shaft. Neither does AAPA disclose that the engagement of the thrust member with the end wall of the drive shaft prevents axial movement of the drive shaft. Neither that the thrust member is an injection molded thrust member.

Mackay et al. disclose a thrust member (24) disposed in the bore (44) in the housing (12) in coaxial registry with the end wall (78) of the shaft (50). Mackay et al. also disclose that the engagement of the thrust member with the end wall of the drive shaft prevents axial movement of the drive shaft (column 2, lines 46-49). The invention of Mackay et al. having the purpose of controlling the shaft end play.

It would have been obvious at the time the invention was made to modify the motor/gear drive of AAPA and Umezawa et al. and provide it with the thrust member of Mackay et al. for the purpose of controlling the shaft end play.

Referring to claim 7, no patentable weight has been given to the method of manufacturing limitations since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a

different process." *In re Thorpe,* 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez
March 9, 2001

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